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Airport Terminal Services, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

TIMOTHY MEACHAM,

No. 3:15-CV-00338-SI

Plaintiff,

v.

**SPIRIT AIRLINES, INC.; KERRIE
CONRAD; and AIRPORT TERMINAL
SERVICES, INC., a Missouri Corporation,**

**DEFENDANT KERRIE
CONRAD AND AIRPORT
TERMINAL SERVICES, INC.'S
ANSWER AND AFFIRMATIVE
DEFENSES TO PLAINTIFF'S
FIRST AMENDED COMPLAINT**

DEMAND FOR JURY TRIAL

Defendants.

**DEFENDANTS AIRPORT TERMINAL SERVICES, INC. AND
KERRIE CONRAD'S ANSWER AND AFFIRMATIVE DEFENSES
TO PLAINTIFF'S AMENDED COMPLAINT**

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Defendants, Airport Terminal Services, Inc. (“ATS”) and Kerrie Conrad (“Defendants”), by and through its attorneys, Wilson Elser Moskowitz Edelman & Dicker LLP, hereby provides its Answer to Plaintiff Timothy Meacham’s First Amended Complaint as follows:

I. PARTIES

1. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.
2. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.
3. Admit.
4. Admit.

II. JURISDICTION AND VENUE

5. Admit.
6. Admit.
7. Admit.
8. Admit.

III. GENERAL ALLEGATIONS

9. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.
10. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.
11. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.

12. Admit.

13. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants deny these allegations.

14. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants deny these allegations.

15. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants deny these allegations.

16. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants deny these allegations.

17. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants deny these allegations.

18. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants deny these allegations.

19. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants deny these allegations.

20. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants deny these allegations.

21. Admit.

22. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.

23. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.

24. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.

25. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.

26. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.

27. Admit that it was requested of these individuals that they leave the aircraft.

28. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.

29. Deny.

30. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.

31. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.

32. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.

33. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.

34. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.

35. Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.

36. Deny that “Conrad pushed” plaintiff Meacham and lack information sufficient to admit or deny these allegations and therefore deny the same.

IV. FIRST CLAIM FOR RELIEF – Liability

COUNT I – Premises and Invitee Liability as to Defendants Spirit and ATS

37. Defendants hereby reincorporate by reference each of its Answers to Paragraphs 1 through 36 as though fully set forth herein.

38. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants are without information sufficient to admit or deny these allegations and therefore deny the same.

39. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants deny these allegations.

40. Defendants deny all allegations contained in this Paragraph.

41. Defendants deny all allegations contained in this Paragraph.

42. Defendants deny all allegations contained in this Paragraph.

43. Defendants deny all allegations contained in this Paragraph.

44. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants deny these allegations.

45. Defendants deny all allegations contained in this Paragraph.

46. Defendants deny all allegations contained in this Paragraph.

47. Defendants deny all allegations contained in this Paragraph.

48. Defendants deny all allegations contained in this Paragraph.

49. Defendants deny all allegations contained in this Paragraph.

50. Defendants deny all allegations contained in this Paragraph.

COUNT II – Common Carrier Liability as to Defendant Spirit and ATS

51. Defendants hereby reincorporate by reference each of its Answers to Paragraphs 1 through 50 as though fully set forth herein.

52. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants deny these allegations.

53. Defendants deny all allegations contained in this Paragraph.

54. Defendants deny all allegations contained in this Paragraph, including subparts (a) through (e).

55. Defendants deny all allegations contained in this Paragraph.

56. Defendants deny all allegations contained in this Paragraph.

57. Defendants deny all allegations contained in this Paragraph.

58. Defendants deny all allegations contained in this Paragraph.

59. Defendants deny all allegations contained in this Paragraph.

60. Defendants deny all allegations contained in this Paragraph.

61. Defendants deny all allegations contained in this Paragraph.

COUNT III – Negligence as to Spirit, ATS and Conrad

63. Defendants hereby reincorporate by reference each of its Answers to Paragraphs 1 through 61 as though fully set forth herein.

64. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants deny these allegations.

65. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants deny these allegations.

66. This paragraph contains a legal conclusion that requires no response from these answering Defendants. As to any factual allegations, Defendants deny these allegations.

67. Defendants deny all allegations contained in this Paragraph.

68. Defendants deny all allegations contained in this Paragraph.

69. Defendants deny all allegations contained in this Paragraph.

70. Defendants deny all allegations contained in this Paragraph.

71. Defendants deny all allegations contained in this Paragraph.

72. Defendants deny all allegations contained in this Paragraph.

73. Defendants deny all allegations contained in this Paragraph.

74. Defendants deny all allegations contained in this Paragraph, including subparts (a) through (e).

75. Defendants deny all allegations contained in this Paragraph, including subparts (a) through (g).

76. Defendants deny all allegations contained in this Paragraph.

77. Defendants deny all allegations contained in this Paragraph.

78. Defendants deny all allegations contained in this Paragraph.

79. Defendants deny all allegations contained in this Paragraph.

80. Defendants deny all allegations contained in this Paragraph.

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V. **SECOND CLAIM FOR RELIEF – Battery, Spirit, ATS and Conrad**

81. Defendants hereby reincorporate by reference each of its Answers to Paragraphs 1 through 79 as though fully set forth herein.

82. Defendants deny all allegations contained in this Paragraph.

83. Defendants deny all allegations contained in this Paragraph.

84. Defendants deny all allegations contained in this Paragraph.

85. Defendants deny all allegations contained in this Paragraph.

86. Defendants deny all allegations contained in this Paragraph.

87. Defendants deny all allegations contained in this Paragraph.

88. Defendants deny all allegations contained in this Paragraph.

89. No response is required to this statement; however, Defendants affirmatively deny that punitive damages are appropriate in this case.

90. No response is required to this statement.

DEFENDANT KERRIE CONRAD'S AFFIRMATIVE DEFENSES

91. Though Defendants deny any liability to Plaintiff for any damages whatsoever, upon information and belief, Plaintiff may have failed to mitigate his damages.

92. The actions of Plaintiff himself may have caused or contributed in whole or in part to the damages of which he complains in his Complaint at Law.

93. Any alleged damages suffered by Plaintiff resulted from acts and/or omissions of other parties or non-parties over whom these Defendants had no control or right to control.

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94. That Plaintiff may have failed to name as a party to this action a corporation or organization in absence of whom the disposition of this action will leave these Defendants subject to a substantial risk of incurring double or multiple obligations.

95. That Plaintiff's claims against these Defendants fail to state a claim upon which relief can be granted.

96. Plaintiff's state law claims, if any, are preempted by the federal common law under the Federal Aviation Act and applicable regulations promulgated thereunder.

97. That Plaintiff's claims against these answering Defendants are barred due to superseding and intervening causes.

PRAYER

WHEREFORE, having fully answered the allegations in Plaintiff's Complaint, Defendants pray that judgment be entered against the Plaintiff and in favor of Defendants, that the Complaint and every count therein be dismissed, that costs and disbursements be awarded to Defendants, and that Defendants have such other and further relief as the Court deems just and proper.

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JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), Defendants demands a trial by jury.

Dated this 9th day of July, 2015.

CHOCK BARHOUM LLP



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